IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2999 OF 2007

Pandhrinath B. Bhogale & Ors. ....Petitioners
V/s.
The State of Maharashtra & Ors. ....Respondents

Ms.Madhavi Tavanandi for the Petitioners.

Mr.V.P. Malwankar, AGP for the Respondents.

CORAM : F.I. REBELLO &
R.M. SAVANT, JJ.
DATED : 25TH JUNE, 2007.

P.C. :

1. Perused. Heard forthwith.

2. It is the case of the Petitioners that the Petitioners' land bearing Gat No.422 which has been acquired is exclusively owned by them and they are entitled to compensation. Before the S.L.A.O., it appears that on 11.10.2005, Suryakant Shankar Bhogale and Babuji Vaghoji Bhogale had also claimed the share in the said compensation. Various persons claiming the share in the said compensation are set out in the affidavit of Janardan Damodar Nandgaonkar. The order passed on 24.2.2006 was not to disburse the amount.

3. The S.L.A.O. in a case where there is an issue as to the apportionment has to resort the matter under Section 18, if there be an application by an interested person for compensation or if he finds that there is a dispute to refer the matter under Section 30 to the reference Court. Considering that the claims have been filed, in our view, the ends of justice would be met if this Petition is disposed of by issuing the following directions :-

i). The S.L.A.O. to issue notices to Pandharinath Babu Bhogale and others on one side and Suryakant Shankar Bhogale and Babuji Vaghuji Bhogale and others on either side.

ii). Upon hearing the parties, if the S.L.A.O. arrives at a conclusion that there is a dispute as to apportionment, then refer the matter under Section 30 to the Reference Court and direct deposit of the amount now lying in this Court with the Reference Court.

iii). The S.L.A.O. if he refers the matter to the Reference Court and on the Petitioners producing a copy of that order, the money deposited in this Court will be

transferred to the Reference Court. The Reference Court will invest the amount in a nationalized bank and thereafter pass appropriate order. If the Reference is refused, parties to move this Court.

iv). The entire exercise to be completed within three months from today.

v). If there be no dispute to direct payment in terms of the award passed.

4. Rule is accordingly made absolute with no order as to costs.

(R.M. SAVANT, J.) (F.I. REBELLO, J.)